

LAW OFFICES OF

RICHARD O. GRAY, JR.  
JEFFREY T. HALEY  
STEPHEN M. EVANS  
JOSHUA KING  
JEFFREY J. KING  
BRYAN A. SANTARELLI  
PAUL F. RUSYN  
JOHN M. JANEWAY  
P. G. SCOTT BORN

**GRAYBEAL JACKSON HALEY LLP**  
**Attorneys at Law**

155 - 108TH AVENUE N.E., SUITE 350  
BELLEVUE, WASHINGTON 98004-5973  
TELEPHONE: (425) 455-5575  
FACSIMILE: (425) 455-1046  
WWW.GRAYBEAL.COM

PATENTS  
COMPUTER LAW  
BIOTECHNOLOGY  
TRADEMARKS  
COPYRIGHTS  
LICENSING  
LITIGATION

**August 26, 2004**

**FACSIMILE MESSAGE – COVER SHEET**

To: Mr. Douglas I. Wood

Fax number: 703-072-9306

Company: United States Patent and Trademark Office

Your Ref: Serial No.: 09/887,469

No. of pages: 3

From: Jeffrey J. King

Our Ref: 2303-32-3

Regarding: Renewed Petition to Accept Unintentionally Delayed Claim for Priority

Message: **PLEASE DELIVER TO DOUGLAS I WOOD  
UPON RECEIPT.**

**THANK YOU.**

---

**CONFIDENTIALITY NOTICE:** This facsimile communication contains confidential and/or privileged information which is intended for use only by the recipient named above. If you received this communication in error, please call us, collect, to arrange for its return at our expense. Any copying, disclosure, or dissemination of

**DOCKET NO.: 2303-32-3****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In Re Application of:**

Christine D. Krempf et al.

**Serial No.:** 09/887,469**Group Art Unit:** 1648**Filing Date:** June 22, 2001**Examiner:** Stacy Chen**For: RESPIRATORY SYNCYTIAL VIRUS VACCINES EXPRESSING  
PROTECTIVE ANTIGENS FROM PROMOTER-PROXIMAL GENES****RECEIVED  
CENTRAL FAX CENTER****AUG 26 2004****Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Office of Petitions and to the attention of Douglas I. Wood at fax no. 703-072-9306 of the on August 26, 2004.

  
Signature

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED  
CLAIM FOR PRIORITY**

Applicants hereby renew the Petition to Accept Unintentionally Delayed Claim for Priority that was originally presented on December 4, 2003 under 35 U.S.C. § 120 in the above-referenced application.

The claim for priority was previously presented in an Amendment/Response filed in the application on August 20, 2003. This claim has now been revised in a Supplemental Amendment, filed contemporaneously herewith (copy enclosed herewith), to overcome certain technical errors noted by the Petitions Attorney in the original

**DOCKET NO.: 2303-32-3****PATENT**

Petition. The amended priority claim is now believed to fully comply with all provisions of 37 CFR § 1.78.

The entire delay between the date the priority claim was due (October 22, 2001) and the date the claim was originally presented and later renewed herein was unintentional.

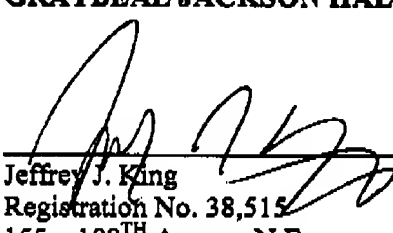
No fee is believed due with this renewed Petition. However, the Office is authorized to charge any underpayment fees or credit any overpayment relating to this Petition to Deposit Account No. 07-1897.

### CONCLUSION

In view of the foregoing, Applicants believe they have satisfied all applicable requirements of CRF 1.78, and therefore respectfully request that the priority claim and specification be amended in accordance with Applicants' Amendment/Response filed with the Office on August 20, 2003 and the Supplemental Amendment filed on August 26, 2004. Prompt notice of grant on this Renewed Petition is earnestly solicited, in part to remedy extended delay between filing of the initial Petition and receipt of a Notice of Dismissal thereof. If possible, the Petitions Attorney is kindly requested to notify and provide a copy of the Petition Decision by telephone and fax to Applicants' undersigned representative at (425) 455-5575.

Respectfully submitted,  
**GRAYBEAL JACKSON HALEY LLP**

Date: August 26, 2004



\_\_\_\_\_  
Jeffrey J. King  
Registration No. 38,515  
155 - 108<sup>TH</sup> Avenue N.E.  
Suite 350  
Bellevue, Washington 98004-5973  
Telephone: (425) 455-5575  
Facsimile: (425) 455-1046